

**Appl. No. : 09/734,475**  
**Filed : December 11, 2000**

### **REMARKS**

The November 4, 2005 Final Office Action was based upon pending Claims 1-6 and 18-21. This response cancels Claims 1-6 and 18-21, and adds new Claims 22-41. Thus, after entry of this response, Claims 22-41 are pending and presented for further consideration.

### **CLAIM REJECTIONS**

In the November 4, 2005 Final Office Action, the Examiner rejected Claims 1-6 and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,694,027 to Schneider ("the Schneider patent"), in view of U.S. Patent No. 6,647,389 to Fitch et al. ("the Fitch patent"), PCT Publication No. WO 98/20709 to Klayman et al. ("the Klayman 709 application"), European Patent No. EP 0756437 A2 to Klayman et al. ("the Klayman 437 patent"), and U.S. Patent No. 6,766,305 to Fucarile ("the Fucarile patent").

The Examiner also rejected Claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent in view of the Klayman 709 application, the Klayman 437 patent, and the Fucarile patent.

The Examiner further objected to the disclosure and informalities in Claims 1 and 18.

### **OBJECTION TO THE SPECIFICATION**

The Examiner objected to the specification because the application number on page 10 line 3 is incorrectly written as "90/411,143". By this amendment, Applicants have amended the specification to correct the application number to read "09/411,143". Accordingly, Applicants respectfully request the Examiner to withdraw the objection to the specification.

### **OBJECTION DUE TO INFORMALITIES OF CLAIMS 1 AND 18**

The Examiner objected to Claim 1 and 18 due to informalities. By this amendment, Applicants have canceled Claims 1 and 18 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection due to informalities.

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**REJECTION OF CLAIMS 1-6 AND 21 UNDER 35 U.S.C. § 103(a)**

In the November 4, 2005 Final Office Action, the Examiner rejected Claims 1-6 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent in view of the Fitch patent, the Klayman 709 application, the Klayman 437 patent, and the Fucarile patent.

By this amendment, Applicants have canceled Claims 1-6 and 21 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection under § 103(a).

**REJECTION OF CLAIMS 18-20 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over the Schneider patent in view of the Klayman 709 application, the Klayman 437 patent, and the Fucarile patent.

By this amendment, Applicants have canceled Claims 18-20 without prejudice or disclaimer. Accordingly, Applicants respectfully request the Examiner to withdraw the objection under § 103(a).

**NEW CLAIMS 22-41**

New Claims 22-41 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

**Claim 22**

Claim 22 is similar to Claim 1 and further clarifies the features of enhancing the bass response associated with the two-channel audio output signal. An embodiment of Applicant's invention encodes a 5.1 channel audio input signal into two channels of transmit audio, converts the two channels of transmit audio into a streaming format for transmission over the Internet, transmits the streaming format, reconverts the streaming format into two channels of receive audio, and decodes the two channels of receive audio into a 5.1 channel audio output signal.

The embodiment further processes the 5.1 channel audio output into a two-channel audio output signal, where the two-channel audio output signal is configured to simulate 5.1 channel audio when played on a pair of loudspeakers, and enhances the two-channel audio output signal, where the enhancing comprises correcting a perceived

height and correcting a perceived width of an apparent sound stage associated with the two-channel audio output signal. The enhancing further comprises enhancing a bass response associated with the two-channel audio output signal. The enhancing of the bass response comprises filtering the two-channel audio output signal at a first frequency with a first band pass filter, filtering the two-channel audio output signal at a second frequency with at least a second band pass filter, where the second frequency is different than the first frequency, and filtering the two-channel audio output signal at a third frequency with a third band pass filter, where the third frequency is different than the first and second frequencies.

The Schneider patent, the Fitch patent, the Klayman 709 application, the Klayman 437 patent, and the Fucarile patent, alone or in combination, do not disclose, teach or suggest processing the 5.1 channel audio output signal into a two-channel audio output signal, where the two-channel audio output signal is configured to simulate 5.1 channel audio when played on a pair of loudspeakers, and enhancing the two-channel audio output signal, where the enhancing comprises correcting a perceived height of an apparent sound stage associated with the two-channel audio output signal, enhancing a bass response associated with the two-channel audio output signal, where the enhancing of the bass response comprises filtering the two-channel audio output signal at a first frequency with a first band pass filter, filtering the two-channel audio output signal at a second frequency with at least a second band pass filter, where the second frequency is different than the first frequency, and filtering the two-channel audio output signal at a third frequency with a third band pass filter, where the third frequency is different than the first and second frequencies, and correcting a perceived width of the apparent sound stage associated with the two-channel audio output signal.

Thus, none of the cited references teach Applicant's claimed invention. Claim 22 is believed to be fully distinguished over the prior art of record.

#### **Claims 29 and 36**

Although Claims 29 and 36 have different language than Claim 22, Claims 29 and 36 are believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

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**Claims 23-28, 30-35, 37-41**

New Claims 23-28, which depend from Claim 22, Claims 30-35, which depend from Claim 29, and Claims 37-41, which depend from Claim 36, are believed to be allowable for the same reasons articulated above with respect to Claims 22, 29, and 36, respectively, and because of the additional features recited therein.

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Submitted concurrently herewith is a Supplemental Information Disclosure Statement and form PTO/SB/08 Equivalent citing 23 references, which were cited in Office Actions in related co-pending U.S. Application No. 09/411,143, filed October 4, 1999, now allowed. While the Applicant does not believe that these references will affect the patentability of the pending claims, Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

**REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2988 or at the number listed below.

**CONCLUSION**

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks,

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reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 2, 2000

By: Karen J. Lenker  
Karen J. Lenker  
Registration No. 54,618  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

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